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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WOMBLE CARLYLE SANDRIDGE & RICE

P.O. Box 7037

Atlanta, GA 30357-0037

EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/817,020

Applicant(s)

PRICE ET AL.

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/25/05 (IDS).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-22 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/25/05, 8/23/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**CLAIMS**

***Summary***

Claims 1,9 and 16 are the independent claims under consideration in this Office Action.

Claims 2-8,10-15 and 17-22 are the dependent claims under consideration in this Office Action.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Popp (4,726,309).

Popp teaches a sewing system for sewing fabrics having increased thickness. Popp teaches the sewing machine as useful for sewing portions of material that are gathered and portions that are not gathered. During the gathered portions, the pressure applied on the material is minimal so as to allow the gathering procedure (column 6, lines 3-6, for example). During the portions without gathering, the pressure applied to the materials is adjusted to provide additional pressure for preventing the material from shifting with respect to one another (column 6, lines 7-32). Popp teaches the sewing

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system as including an inherent sewing needle, a presser foot 64 (figure 2, for example), a pressure control system (figures 1 and 2) which includes an actuating cylinder 76, with compression spring, and an actuating electric motor 92 connected to a connector 37 for actuating and controlling the additional pressure as applied to the proper portion of the seam forming procedure. A system 51 is provided with corresponding means 5 for adjusting springs 50 for applying a nominal pressure to the presser and thus to the material being sewn. And adjustment plate 56 is provided for adjusting the pressure applied to the presser foot and walking foot 2. An eccentric 11 and 13 is provided driven off a sewing machine shaft for moving a rocker arm 69 connected to the presser foot for lifting and lowering the presser foot. A top feed dog 2 and a lower feed dog 3 are provided for feeding the material past the sewing machine.

Claims 1-3,5,6, and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dunn et al. (4,058,071).

Dunn et al. teach a sewing system for sewing fabrics having increased thickness. Dunn et al. teach the sewing machine as useful for sewing materials and where an obstruction or increased thickness portion is encountered. During the normal thickness portion, the pressure applied on the material is normal so as to allow the proper stitching to occur (column 2, line 17-18, for example). During the portions with obstructions or thicknesses, the pressure applied to the materials is adjusted to provide additional pressure for assuring a proper stitch to be formed (column 2, lines 20-21). Dunn et.al. teach the sewing system as including a sewing needle 22, a presser foot 30, a pressure control system 76, 58, which includes an actuating lever 58 with

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compression spring, set 72 and 44. The actuator 76 is connected to a connector 58 for actuating and controlling the additional pressure as applied to the proper portion of the seam forming procedure. A system 70 is provided with corresponding spring means 68 for adjusting and applying a nominal pressure to the presser and thus to the material being sewn.

### ***ALLOWABLE SUBJECT MATTER***

Claims 9-22 are allowable over the prior art of record.

### ***PERTINENT CITATIONS***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takeuchi et al. Illustrate a sewing machine including a presser foot control system where oil pressure is increased with respect to machine speed and this allows an increase in the pressing force applied by the presser foot. Sano et al. Illustrate a sewing machine including a system for controlling pressing force depending on stitch type. Greulich illustrates a presser foot pressure control including a dial for adjusting the pressing force. Klundt illustrates a presser control including an initial increase in pressing force applied to a material and then an equalizing of the pressure thereafter. Pokrishevsky et al. illustrate a presser foot control including a cam for adjusting the pressure applied by the presser foot.

### ***INQUIRIES***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ismael Izaguirre  
Primary Examiner  
Art Unit 3765